

REMARKS**Overview**

Turning to the rejections based on prior art, the following were asserted in the Official Action of March 16, 2005:

Claims 1-5, 9, 11, 14-15, 20, 22, 24-26 – obviousness Deering et al. (5,433,348) in view of Jarrett (5,056,686) and McMillin (4,216,879)

Claims 6-8, 11-12, 16, 18-19 – obviousness Deering et al. in view of Jarrett and McMillin and further in view of Horey et al. (6,581,391)

Claim 10 – obviousness Deering et al. in view of Jarrett and McMillin and further in view of Bethuy et al. (5,732,563)

By this Amendment:

Claims 6, 11-12, 14-15, 20-22, 24, 26 have been cancelled.

Claim 1 has been amended to include the circulation pump of having a capacity of about 15 gal./hr. for inducing circulation in the carbonated water recirculation circuit. This amendment affects claims 2-4 depending therefrom.

Claim 5 has been amended to include the circulation pump inducing flow from the heat transfer coils toward communication with the bar gun and from fluid communication with the bar gun to the carbonator, there being no flow from the carbonator to communication with the bar gun except through the heat transfer coils. This amendment affects claims 7-8, 10 and 25 depending therefrom.

Claim 16 has been amended to include circulating carbonated water at about 15 gal./hr. This amendment affects claims 18 and 19 depending therefrom.

Claim 27 has been made independent with the subject matter of claim 26 being removed as not essential.

Therefore, claims 16, and 18-19 have been amended to contain the allowed subject matter of claim 21. Allowable claim 27 has been placed in independent form

without the unnecessary subject matter of claim 26. Further, the limitation on the pump capacity has been introduced into claims 1-4. Reconsideration of the allowability of these claims 1-4, 16, 18-19 and 27 in light of the addition of the pump attribute of about 15 gal./hr. is requested.

Claims 5, 7-8, 10 and 25 recite the presence of heat transfer coils. These coils are part of the ice storage bin, are in the circulation circuit, are in continuous communication with the bar gun, have flow therefrom induced by the pump toward communication with the bar gun and having all flow from the carbonator pass therethrough to the bar gun. The reference to McMillin shows separate coils allowing flow to the dispensing valve. This splits the capacity of the coils to before and after the dispensing valve. The coils recited in the present application are not so split and advantageously direct all flow to a bar gun. The full capacity for cooling is achieved before the circulation reaches the bar gun. This is not shown, suggested or motivated by McMillin or any of the other references. Without such a teaching, suggestion or motivation, no *prima facie* case of obviousness is supported in light of the claim amendments presenting this feature. Therefore, reconsideration is requested.

The arguments presented in the prior amendment have been rejected in the presentation of the current Official Action. That there are bar guns used for dispensing drinks is not disputed, for example. There is no showing of a combination of a bar gun with a recirculation circuit and no suggestion or inducement. There remains no support for a *prima facie* case of obviousness. The same is true for all of the applied references in their application. There is no teachings, suggestions or inducement of the combinations asserted. Again, there remains no support for a

prima facie case of obviousness The arguments previously presented are incorporated herein by reference as if set forth in their entirety here in light of the failings of the prior art.

Conclusion

The foregoing comments reference specific features which are not found in the applied references. Thus, all of the remaining claim as amended are shown to recite features not found in the applied references. The standard for a *prima facie* case for obviousness requires that there be an accounting in the prior art of all components recited in the claims. There also must be some suggestion or motivation for the combinations. Nothing suggests a bar gun in communication with the recirculation system, the carbonator of Deering et al. in the recirculation circuit or the insurance of flow through the coils which handle all cooling, or that the cooling can get within one Fahrenheit degree of the freezing temperature of water. The advantageous location of components in the recirculation system to handle both low flow and high flow through the ice plate without compromising cooling is not disclosed, suggested or motivated by the applied references. A *prima facie* case of obviousness is not supported by the references applied. Consequently, a Notice of Allowance is earnestly solicited.

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